

MINUTES
UTAH
HEARING INSTRUMENT SPECIALIST BOARD
MEETING

October 8, 2008

Room 475 – 4th Floor - 9:00 a.m.
Heber Wells Building
Salt Lake City, UT 84111

CONVENED: 9:00 a.m.

ADJOURNED: 10:29 a.m.

Bureau Manager:

Clyde Ormond

Board Secretary:

Jacky Adams

Board Members Present:

Lowell Brown, Chairperson
Morris Mower
David Simmons
Kent Milligan

Board Members Absent:

Blake Webb

Guests:

Isaac Butler – Larkin Hearing
Scott Robinson – Hearing Healthcare Providers
Bruce Sharp

DOPL Staff Present:

David Stanley, Division Director
Ronda Trujillo, Compliance

TOPICS FOR DISCUSSION

DECISIONS AND RECOMMENDATIONS

ADMINISTRATIVE BUSINESS:
MINUTES:

Mr. Mower seconded by Mr. Simmons made a motion to approve the minutes from the July 9, 2008 Board Meeting, the motion carried unanimously.

Appointment of 2008 Board Chairperson

This issue was discussed at the July 9, 2008 meeting. Mr. Brown was re-elected as the Chairperson for the upcoming year.

APPOINTMENTS:

9:00 a.m. Compliance

Ms. Trujillo explained that Mr. Robert Harris is currently in full compliance with his Stipulation and Order.

Mr. Weston Harris is currently not in-compliance with his Stipulation and Order, due to his failure to renew his

license prior to September 30, 2008 and not submitting his required "Employer Reports" on a regular basis.

9:15 a.m. Harris, Robert

Mr. Harris appeared for his scheduled probationary appointment with the Board.

Based on Mr. Harris's compliance with his Stipulation and Order, Mr. Simmons seconded by Mr. Mower, made a motion to amend Mr. Harris's Stipulation and Order to require that Mr. Harris only meet with the Board two times per year, the motion carried unanimously.

Mr. Harris will meet again with the Board on April 7, 2009 at 9:30 a.m.

9:30 a.m. Harris, Weston

Mr. Harris appeared for his scheduled probationary appointment with the Board.

Ms. Trujillo notified Mr. Harris that he is not in compliance with his Stipulation and Order, due to his failure to submit his required "Employer Reports" on a quarterly basis, and allowing his license to expire on September 30, 2008.

Mr. Harris commented that he would renew his license upon leaving this meeting, and would submit all of his outstanding "Employer Reports" prior to the end of the business day.

Based on Mr. Harris's non-compliance with his Stipulation and Order he will meet again with the Board on January 6, 2009 at 9:30 a.m.

DISCUSSION ITEMS:

Proposed Rules Changes to R156-46a

Mr. Ormond explained that he is proposing to amending R156-46a-302e;

- To require that each Hearing Instrument Intern must complete five-hundred hours, of their Internship, and passed the National Institute for Hearing Instrument Studies education and examination, prior to becoming eligible to take the Utah Practical examination, and
- Raising the passing score on the Utah Law and Rules examination to 80%.

Mr. Milligan seconded by Mr. Simmons made a motion to approve the proposed amendments to R156-46a-302e, with the Utah Law and Rules exam being raised to 85%, the motion carried unanimously.

Mr. Ormond then explained that he is proposing adding to or amending R156-46a-502a (8), (9), and (13) to require that it will be unprofessional conduct for a license to:

- Use stalling tactics, excuses, arguing, or attempt to dissuade the purchaser to avoid or delay the customer from exercising the thirty-day right pursuant to 58-46a-503 (1) to cancel a hearing aid purchase;
- Failing, when a purchaser tells the hearing instrument specialist or company selling the hearing aid, that they wish to return the hearing aids, pursuant to 58-46a-503 (1), to start the return process within fourteen working days; and
- Failing to conform to the generally accepted and recognized standards and ethics of the profession including those established in the Health Care Providers of Utah Association "Utah Code of Ethics and Standards of Practice".

Mr. Milligan seconded by Mr. Simmons made a motion to approve the proposed changes to R156-46a-502a, with the addition that section R156-46a-502a (9) be corrected to require that the hearing instrument specialist or company must begin the refund process within forty-eight hours, and the process must be completed within fourteen days, the motion carried unanimously.

Model Sales Agreement

Mr. Ormond requested that the Board review a proposed "Model Sales Agreement", which will be placed on the Division web site, for reference.

The Board suggested to:

- Emulate the statute in all wording;
- Move the client's signature to the bottom of the agreement;
- And require "Contract and Fitting" dates.

Mr. Mower seconded by Mr. Simmons made a motion to approve the "Model Sales Agreement", with the requested changes, the motion carried unanimously.

Internship Requirements

This issue was discussed in conjunction with the "Proposed Rules Changes to R156-46a" discussion.

Can a Hearing Instrument Specialist remove Ear Wax?

Mr. Ormond explained that 58-46a and R156-46a, fails to define if a Hearing Instrument Specialist or Intern may remove ear wax (i.e. perform cerumen management). He further explained that Arizona, Colorado and Idaho do not allow this practice. Mr. Ormond questioned the Board regarding if, in their opinions, could a Hearing Instrument Specialist or Intern perform cerumen

management. The Board, in general, agreed that it is a procedure that is performed, and is in their Scope of practice, however, only on a limited basis.

After a detailed discussion it was determined that the Hearing Healthcare Providers Association, should review this issue to determine, if this procedure is performed, what training / certification should be required of the licensee.

2009 Board Meeting Dates

Due to Mr. Webb's current schedule this professions meeting has been moved from the second Wednesday to the first Tuesday, four times per year.

Idaho Web Site - Information

During a search of the Internet, it was found that the State of Idaho has a patient information document, which is very informative. Mr. Ormond questioned the Board, regarding using a similar document on the Division web site as well.

After a brief review the Board agreed that the information should be made available to the public.

ADJOURN:

10:29 a.m.

Note: These minutes are not intended to be a verbatim transcript but are intended to record the significant features of the business conducted in this meeting. Discussed items are not necessarily shown in the chronological order they occurred.

January 6, 2009

(ss)Lowell K Brown

Date Approved

Chairperson, Utah Hearing Instrument Specialist Board

January 13, 2009

(ss) Clyde Ormond

Date Approved

Bureau Manager, Division of Occupational & Professional Licensing